

REMARKS

The above amendments and these remarks are being submitted in response to the Office Action of May 5, 2004, for which reconsideration is requested.

Objection

The Examiner objected to the Abstract because of the phrase “is disclosed” in line 1. The phrase has been deleted.

Rejection under 35 U.S.C. § 102

Claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 2,821,834 (Walker). This rejection is traversed in view of the above amendments and for following reasons.

The Examiner asserted that claims 1-8 were anticipated by the Walker patent because Walker discloses a rake comprising an extendable handle, a rake head pivotally attached to the handle “(via 53)” and a spike coupled to the rake. He further asserted that Walker shows the handle being storable parallel to the rake head with a retaining device.

However, the Walker patent actually discloses a collapsible rake wherein the rake head is “removably attached” to a handle. (Walker, column 1, lines 18-21.) The Walker rake is designed to be “assembled and taken apart.” (Walker, column. 1, lines 45-46.) Clearly, the Walker patent teaches away from a foldable rakes and, in fact, explicitly distinguishes itself from rakes wherein the head is folded. (Walker, column 1, lines 30-33.)

The Walker rake head is not pivotally attached to the handle “via 53” as asserted by the Examiner. Walker element 53 is a “screw” that extends through a slot in a plate to attach the head to the handle. Walker does not disclose a pivotal connection between the rake head and handle.

Applicant further notes that Walker does not disclose or suggest a “spike” as recited in amended independent claim 1 and 8, and in new independent claim 16.

Clearly, for at least the preceding reasons, Walker does not disclose each element of independent claims 1, 8 and 16. It, therefore, cannot be the basis of a § 102 rejection of those claims, or the claims respectively dependent thereon, claim 2-7, 9-15 and 17-20.

While the Walker collapsible rake may be well suited for its intended purpose, i.e., disassembly and storage and transport in a vehicle, its required assembly/disassembly would be too time consuming in a golf course setting. A golfer would not have time to or inclination to disassemble the Walker rake from its storage/transport configuration, and reassemble it in its use configuration, use it, then disassemble it to put it back into its storage/transport configuration. Thus, Walker teaches away from the rake of the present invention. Further, even if a golfer had the time to do all the required Walker assembly/disassembly steps, the end result of the would not be a rake adapted to be placed in a generally vertical or upright position to reduce interference with the game of golf.

For at least the preceding reasons, Applicant requests reconsideration and withdrawal of the rejection based on Walker.

Conclusion

This Amendment and Response should not generate any additional fees. However, the Office is hereby authorized to charge Deposit Account No. 04-1420 with any deficiency in fees associated herewith.

This application is in allowable form, and reconsideration and allowance are respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP

Customer Number 25763

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By: 

David E. Bruhn, Reg. No. 36,762
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498
(612) 340-6317